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Cc: [Stuber, Robyn; Ali, Mazhar@Waterboards](#)
Subject: Comments on Tesoro
Date: Thursday, May 07, 2015 12:44:09 PM
Attachments: [Response to Comments 2_bm.docx](#)
[Rev tent permit 4 - Tesoro - Carson Refinery_bm2.doc](#)
[2012 US EPA - RB4 Harbors TMDL CS authorizing provision.pdf](#)

Hi Cassandra,

Below are our comments, which are also reflected in comment balloons/track changes in the attachments.

Please let me know if you have any further questions, and we appreciate the chance to review.

- Table 6, Interim Limits, needs to be broken out by low volume waste and the process wastewater (i.e. two tables as opposed to one table) and should only include those pollutants authorized for compliance schedules. Please see attached EPA approval letter (2012).
- Because of the response to comments language (paragraph language beginning with “The permit includes chronic toxicity using the USEPA...,” we strongly recommend adding the following to Compliance Determination (permit Section VII) and the factsheet Section V:

Effluent toxicity tests shall be run using a multi-concentration test design only when required by EPA’s short-term methods for estimating the chronic toxicity of effluents promulgated under 40 CFR 136. All NPDES effluent compliance monitoring for chronic toxicity shall be reported using the 100% effluent concentration and negative control, expressed in units of USEPA’s TST statistical approach (pass or fail, % effect). The TST hypothesis (Ho) is statistically analyzed using only the permit-specified in-stream waste concentration and a negative control. The appropriate interpretation of measurement results from the TST (pass or fail) is, by design, independent from the concentration-response patterns of toxicity tests conducted using multi-concentration test designs. Therefore, when using the TST, application of concentration-response pattern review is not used because it does not improve the appropriate interpretation of the definitive TST result, as long as all Test Acceptability Criteria and other test review procedures (those related to Quality Assurance for effluent and receiving water toxicity tests, reference toxicant tests, and control performance described by the WET test methods manuals and TST guidance) are followed.

- EPA approved LA RWQCB to authorize compliance schedules in NPDES permit for non-MS4 stormwater discharges for copper, lead, zinc, DDT, dieldrin, total PCBs, chlordane, and pyrene. EPA also approved compliance schedules for copper, lead, and zinc for other non-stormwater discharges, consistent with the implementation plan in the Harbor Toxics TMDL. Therefore, the LA RWQCB can only provide compliance schedules for these pollutants (by waste stream).

The compliance schedule also needs to be consistent with the state’s policy for compliance schedules in NPDES permits (2008-0025). Specifically, a discharger must demonstrate that time is needed to implement actions, such as designing and constructing facilities or implementing new or significantly expanded programs and securing financing, if necessary, to comply with a more stringent permit limitation specified to implement a new, revised, or newly interpreted water quality objective or criterion in a water quality standard. The compliance schedule in the permit should address these factors.

The Ojai Valley WWTP has a good example of a compliance schedule in “Table 6. Compliance Schedule for TN and TP Final Effluent Limits”:

Task No.	Description	Start Date	End Date
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1	Oxidation Ditch Process Monitoring	12/13/13	12/15/15
2	Oxidation Ditch #2 Instrumentation	06/13/13	12/01/13
3	Plant Influent/Aerobic Instrumentation	06/13/13	12/01/13
4	Filter/Effluent Instrumentation	06/13/13	12/01/13
5	System Monitoring including Seasonal Changes	12/01/13	12/01/15
6	Summary Report		03/01/15
7	Testing Analysis/Pilot Testing	06/01/14	12/01/15
8	Data Analysis	03/01/16	03/01/17

The numeric interim limitation for the pollutants also must be based either on current treatment facility performance or on existing permit limitations. EPA is unclear whether the previous permit limits or performance based limits are the lowest. Additional information should be included in the factsheet to explain why the interim limits were selected. Any effluent limits that are the same as the last permit (or less stringent than the last permit) should not get a compliance schedule, consistent with the compliance schedule policy.

Thanks,
Becky Mitschele

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